Attorney Docket No.: CIR 2-001-3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	)	
Richard G. Olsen, *et al.*	)	
Serial No. 09/125,841	)	Examiner Ronald B. Schwadron, Ph.D.
Filed: January 19, 1999	)	Group Art Unit 1644
For: Cellular Immunotherapy	)	

COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

TRANSMITTAL LETTER

Sir:

Responsive to the outstanding Office action mailed on September 3, 2002 (paper no. 22), we are transmitting herewith:

1. Response to Notice of Sequence Listing Requirements and Amendment

2. Paper copy of Sequence Report

3. Computer diskette labeled US09125841.

4. Copy of CRF Disk Problem Report dated 6/21/02.

Respectfully submitted,
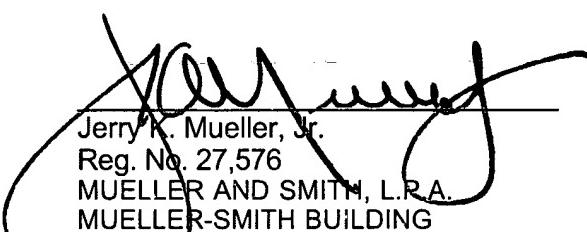
Jerry K. Mueller, Jr.
Reg. No. 27,576
MUELLER AND SMITH, L.P.A.
MUELLER-SMITH BUILDING
7700 Rivers Edge Drive
Columbus, Ohio 43235-1335
Tel.: 614-436-0600
Fax: 614-436-0057
email: smueller@muellersmith.com

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited on September 23, 2002, with the United States Postal Service as first class mail in an envelope addressed to:

Box RESPONSES NO FEE
Assistant Commissioner for Patents
Washington, D.C. 20231
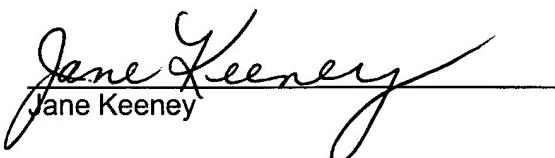
Jane Keeney
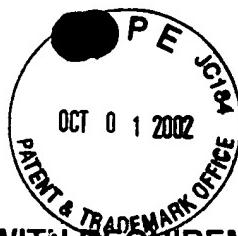
-1-

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.

☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).

☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).

☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."

☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).

☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).

☐ 7. Other: _____

Applicant Must Provide:

☒ An <u>initial</u> or substitute computer readable form (CRF) copy of the "Sequence Listing".

☒ An <u>initial</u> or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.

☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216
For CRF Submission Help, call (703) 308-4212
For PatentIn software help, call (703) 308-6856

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE

RAW SEQUENCE LISTING ERROR REPORT

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: _09/125,84|C_

Source: _1600_

Date Processed by STIC: _6-21-02_

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.
PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:
1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY
FOR CRF SUBMISSION QUESTIONS, PLEASE CONTACT MARK SPENCER, 703-308-4212.

FOR SEQUENCE RULES INTERPRETATION, PLEASE CONTACT ROBERT WAX, 703-308-4216.
PATENTIN 2.1 e-mail help: patin21help@uspto.gov or phone 703-306-4119 (R. Wax)
PATENTIN 3.0 e-mail help: patin3help@uspto.gov or phone 703-306-4119 (R. Wax)

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE **CHECKER VERSION 3.1 PROGRAM**, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:
http://www.uspto.gov/web/offices/pac/checker

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.
Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.
Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<http://www.uspto.gov/ebc/efs/downloads/documents.htm> , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202
3. Hand Carry directly to:
   U.S. Patent and Trademark Office, Technology Center 1600, Reception Area, 7th Floor, Examiner Name, Sequence Information, Crystal Mall One, 1911 South Clark Street, Arlington, VA 22202
           Or
   U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202
4. Federal Express, United Parcel Service, or other delivery service to: U.S. Patent and Trademark Office, Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202

Revised 01/29/2002

Raw Sequence Listing Error Summary

___

ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE

1____Wrapped Nucleics   The number/text at the end of each line "wrapped" down to the next line. This may occur if your file
____Wrapped Aminos ·   was retrieved in a word processor after creating it. Please adjust your right margin to .3; this will
prevent "wrapping."

2____Invalid Line Length   The rules require that a line not exceed 72 characters in length. This includes white spaces.

3____Misaligned Amino   The numbering under each 5th amino acid is misaligned. Do not use tab codes between numbers;
____Numbering   use space characters, instead.

4____Non-ASCII   The submitted file was not saved in ASCII(DOS) text, as required by the Sequence Rules. Please
ensure your subsequent submission is saved in ASCII text.

5____Variable Length   Sequence(s)____contain n's or Xaa's representing more than one residue. Per Sequence Rules,
each n or Xaa can only represent a single residue. Please present the maximum number of each
residue having variable length and indicate in the <220>-<223> section that some may be missing.

6____PatentIn 2.0   A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid
____"bug"   sequences(s) _____. Normally, PatentIn would automatically generate this section from the
previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to
the subsequent amino acid sequence. This applies to the mandatory <220>-<223> sections for
Artificial or Unknown sequences.

7____Skipped Sequences   Sequence(s)____ missing. If intentional, please insert the following lines for each skipped sequence:
____(OLD RULES)   (2) INFORMATION FOR SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)
(i)   SEQUENCE CHARACTERISTICS: (Do not insert any subheadings under this heading)
(xi) SEQUENCE DESCRIPTION:SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)
This sequence is intentionally skipped

Please also adjust the "(ii) NUMBER OF SEQUENCES:" response to include the skipped sequences.

8____Skipped Sequences   Sequence(s)____ missing. If intentional, please insert the following lines for each skipped sequence.
____(NEW RULES)   <210> sequence id number
<400> sequence id number
000

9____Use of n's or Xaa's   Use of n's and/or Xaa's have been detected in the Sequence Listing.
____(NEW RULES)   Per 1.823 of Sequence Rules, use of <220>-<223> is MANDATORY if n's or Xaa's are present.
In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.

10____Invalid <213>   Per 1.823 of Sequence Rules, the only valid <213> responses are: Unknown, Artificial Sequence, or
____Response   scientific name (Genus/species). <220>-<223> section is required when <213> response is Unknown or
is Artificial Sequence

11____Use of <220>   Sequence(s)____ missing the <220> "Feature" and associated numeric identifiers and responses.
Use of <220> to <223> is MANDATORY if <213> "Organism" response is "Artificial Sequence" or
"Unknown." Please explain source of genetic material in <220> to <223> section.
(See "Federal Register," 06/01/1998, Vol. 63, No. 104, pp. 29631-32)   (Sec. 1.823 of Sequence Rules)

12____PatentIn 2.0   Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file,
____"bug"   resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence
listing). Instead, please use "File Manager" or any other manual means to copy file to floppy disk.
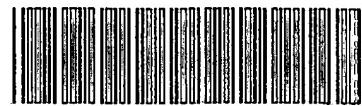
1600

RAW SEQUENCE LISTING   DATE: 06/21/2002
PATENT APPLICATION: US/09/125,841C   TIME: 14:03:33

            Input Set : A:\Cellular immonotherapy.txt
            Output Set: N:\CRF3\06212002\I125841C.raw

 3 <110> APPLICANT: Olsen, Richard G
 4   Ridihalgh, John L
 6 <120> TITLE OF INVENTION: Cellular Immunotherapy
 8 <130> FILE REFERENCE: CIR-2-001-3
10 <140> CURRENT APPLICATION NUMBER: US 09/125841C
11 <141> CURRENT FILING DATE: 1999-01-19
13 <150> PRIOR APPLICATION NUMBER: PCT/US97/02309
14 <151> PRIOR FILING DATE: 1997-02-20
16 <150> PRIOR APPLICATION NUMBER: US 08/604728
17 <151> PRIOR FILING DATE: 1996-02-21
19 <160> NUMBER OF SEQ ID NOS: 4
21 <170> SOFTWARE: PatentIn version 3.1
23 <210> SEQ ID NO: 1
24 <211> LENGTH: 28
25 <212> TYPE: DNA
26 <213> ORGANISM: HIV-1 (primer)
28 <400> SEQUENCE: 1
29 ataatccacc tatcccagta ggagaaat
32 <210> SEQ ID NO: 2
33 <211> LENGTH: 28
34 <212> TYPE: DNA
35 <213> ORGANISM: HIV-1 (primer)
37 <400> SEQUENCE: 2
38 tttggtcctt gtcttatgtc cagaatgc
41 <210> SEQ ID NO: 3
42 <211> LENGTH: 22
43 <212> TYPE: DNA
44 <213> ORGANISM: GADPH cDNA
46 <400> SEQUENCE: 3
47 ctactggcgc tgccaaggct gt   22
50 <210> SEQ ID NO: 4
51 <211> LENGTH: 22
52 <212> TYPE: DNA
53 <213> ORGANISM: GADPH cDNA
55 <400> SEQUENCE: 4
56 gccatgaggt ccaccaccct gt   22

[handwritten annotation]: Numeric identifier <213> can only be Artificial Sequences, Unknown, or genus/species. See item #10 on error summary sheet. — with "28" noted beside sequences 1 and 2.

VERIFICATION SUMMARY

PATENT APPLICATION: US/09/125,841C

DATE: 06/21/2002

TIME: 14:03:34

Input Set: A:\Cellular immonotherapy.txt

Output Set: N:\CRF3\06212002\I125841C.raw